

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE:	:	
Matthew Thomas Pope,	:	Case No. 16-55800
Jami R. Small-Pope,	:	
	:	Chapter 13
Debtors.	:	Judge Caldwell

**MEMORANDUM CONTRA MOTION TO DISMISS
FILED BY CHAPTER 13 TRUSTEE (pl #61)**

Now come Debtors, Matthew Pope and Jami Small-Pope, by and through counsel, and respectfully request this Court issue an Order overruling the Motion to Dismiss filed by the Chapter 13 Trustee, on grounds that the Debtors are currently working with their undersigned counsel to propose a modified Chapter 13 Plan, and requests one further opportunity to perform under the terms of the plan, as more fully set forth in the Memorandum in Support, below.

Respectfully submitted,

/s/ Crystal I. Zellar
Crystal I. Zellar (#0038785)
Shelley E. Hibburt (#0091736)
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Counsel for Debtors

MEMORANDUM IN SUPPORT

This case was filed on September 6, 2016 and the Order Confirming Chapter 13 Plan was entered by the Court on April 4, 2017. The Debtors have paid \$86,064.73 into the plan for the benefit of the creditors.

The Motion to Dismiss filed by the Chapter 13 Trustee indicates that this Chapter 13 Plan is currently in arrearage of approximately five (5) months and \$28,000.00.

Debtors advise the Court that they are currently in the process of working with their undersigned counsel in an effort to propose a modified Chapter 13 Plan that will enable the Plan to timely complete, and hope to submit the proposed modification within sixty (60) days.

WHEREFORE, your Debtors respectfully request this Court issue an Order overruling the Chapter 13 Trustee's Motion to Dismiss and affording them with one final opportunity to perform under the plan.

Respectfully submitted,

/s/ Crystal I. Zellar

Crystal I. Zellar (#0038785)

Shelley E. Hibburt (#0091736)

Zellar & Zellar, Attorneys at Law, Inc.

Counsel for Debtors

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Memorandum Contra Motion to Dismiss** was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and (ii) by **ordinary U.S. Mail** on **June 1, 2018** addressed to:

Matthew Pope
Jami Small-Pope
601 Pittsburgh Ave Ste E
Mt Vernon OH 43050

/s/ Crystal I. Zellar

Crystal I. Zellar (#0038785)

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